

PATENT
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REMARKS

The Specification has been amended to Cross Reference copending Application SN. 09/513,818 assigned to the Assignee herein which recently came to Applicants' attention. As Applicants Attorney indicated in a telephone call to Examiner on July 30, 2004, a Supplemental Information Disclosure Statement is being mailed under separate cover to bring to attention of Examiner results of a search made in the copending application. As Attorney indicated in the telephone call, published Japanese Application JP11-154176 (June 1999) may have some pertinence to the present prosecution. We are attempting to obtain a better translation of the Japanese publication better than the machine translation in the Information Disclosure Statement.

Summary of Telephone Interview with Examiner on 07/06/04.

Applicants thank Examiner for the telephone interview extended to their attorney, J. B. Kraft on July 6, 2004. As Applicants explained in that interview, the claims cover statutory subject matter under 35 U.S.C. 101, since they are directed to a method of doing business which produces a tangible result: a transmission to each of the Web sites offering the products interactively selected by the user, of the billing data required from the user to buy the selected products.

It was also pointed out that present Application and the Callaghan et al Patent Application Publication (US2002/0007317 A1) used by Examiner in the rejection under 35 USC 103 were commonly owned by International Business

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Machines Corporation, the Assignee herein at the time the invention of the present Application was made. Thus, under 35 USC 103(c), the Callaghan publication could not be used to preclude patentability.

Applicants' Argument

Rejection under 35 USC 101.

As a result of the interview, Applicants have a better understanding of the Examiner's concerns which provided the basis for the rejection under 35 U.S.C. 101, and amended the claims in order to obviate such concerns. The amended claims clearly set forth a structural World Wide Web or Internet (used interchangeably throughout the specification) environment in which the user interactive receiving display stations are under data processor control.

It is submitted that the claims as amended so do not relate to an abstract idea. There is clearly a practical application in the technological arts i.e. a method of doing business by offering products over the World Wide Web or Internet from a plurality of Web sites; displaying a shopping cart representation at a computer controlled display station; enabling the user to interactively load the cart by selecting product representations from the offering Web sites; enabling the user to select to buy at the computer controlled display station; in response to which the billing data referencing the user and sale is then sent to the offering Web sites so that the sales may be appropriately made. The Web cart shopping method is patentable subject matter.

In this connection, it is submitted that the claims as amended meet the criteria set forth by the U.S. Court of Appeals for the Federal Circuit in State Street Bank and

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Trust Co. v. Signature Financial Group Inc. (149F3rd1368)
7/23/98 for a method of doing business as patentable subject
matter under 35 U.S.C. 101. The invention provides a novel
process and program for tangible result: the transmission to
each of the World Wide Web sites, from which products were
selected and bought by the user, the billing data required
of the user in order to buy the products.

The Rejection under 35 USC 103(a) as obvious over Rodin et
al. (US6249774) in view of the Callaghan Publication
(US2002/0007317A1) Can Not be Used.

The Callaghan publication which the Examiner which the
Examiner is applying to show the shopping cart concept of
the present invention is owned by the Assignee of the
Present Application, and thus can not Preclude Patentability
Under 35 U.S.C. 103(c).

The present Application and the Callaghan Patent
reference were commonly owned by International Business
Machines Corporation, the Assignee herein at the time the
invention of the present Application was made.

The file of the present Application indicates that an
Assignment of the present Application to said Assignee is
filed in the Patent Office. Also the record in the
Callaghan Publication indicates that it is assigned to the
same Assignee in an assignment filed in the U.S. Patent
Office on March 30, 1998 (Assignment Reel and Frame:
9125/890)

Since the present Application has a filing date after
November 29, 1999, and the Callaghan Publication would
qualify as prior art under the provisions of 35 U.S.C.
102(e), it is submitted that the Callaghan publication can
not be used to preclude patentability based upon 35 U.S.C.
103(c). [Examiner's attention is directed to MPEP Sections

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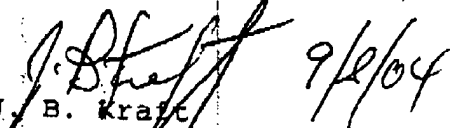
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[706.02(1); (1)(1); (1)(2); and (1)(3).] Thus, Examiner is respectfully requested to withdraw Callaghan as a reference.

In view of the foregoing, the Examiner is respectfully requested to withdraw the rejection of claims 9-16 under 35 USC 103 as being unpatentable over the combination of Roden in view of the Callaghan.

Since Applicants have established hereinabove that claims 9-16 are patentable subject matter, it is submitted that claims 9-16 as amended are in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,


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